

January 20, 2006

PUBLIC NOTICE

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Clerk of Court, Richard D. Sletten
300 South Fourth Street, Suite 202
Minneapolis MN 55415
(612) 664-5026

FEDERAL COURT PROPOSES TO AMEND LOCAL RULES

The United States District Court for the District of Minnesota recently approved two proposed amendments to the Court's Local Rules of practice. The rule changes, which will affect current Local Rules 83.9 and 72.1, were recommended by the Court's Federal Practice Committee, chaired by Attorney Jeffrey Keyes. Briefly summarized, these proposed amendments will provide as follows:

(1) Repeal of LR 83.9 and Adoption of LR 58. The current Local Rule 83.9, entitled "Collateral In Petty Offense Matters," will be repealed and replaced by a new rule, Local Rule 58, which will be entitled "Fixed-Sum Payment In Petty Offense Matters." The proposed new rule corrects some outdated features of the current LR 83.9. Most notably, the obsolete reference to the "Federal Rules of Procedure for United States Magistrate Judges" will be deleted and replaced by a reference to Fed. R. Crim. P. 58(d)(1), and the term "fixed sum payment" will be substituted for the term "collateral." These changes will make the Local Rule more consistent with the corresponding federal rule, Fed. R. Crim. P. 58. The rule also has been subdivided differently, to make it easier to read and cite. The proposed amendments will not effect any substantive changes to the Court's current practices and procedures pertaining to petty offenses.

(2) Amendment to LR 72.1. The proposed amendment to LR 72.1 will add a new clause to LR 72.1(a). This new clause, LR 72.1(a)vi, will confirm that Magistrate Judges continue to have the authority to conduct trials and impose sentences in petty offense cases, and also in misdemeanor cases when the defendant consents, in accordance with 18 U.S.C. § 3401. The authorization for this longstanding practice was inadvertently omitted from LR 72.1 when that rule was substantially modified in 2005, and the new amendment will correct that oversight.

The full text of the proposed amendments, can be obtained by accessing the District Court's website at www.mnd.uscourts.gov, by visiting or calling the Office of the Clerk of Court in St. Paul, Minneapolis, Duluth or Fergus Falls. As required by federal statute, the proposed amendments will be posted by the Court for public review and comment through **January 30, 2006**. Comments should be provided in writing to the Clerk of Court at the address above, or by e-mail to MnFedRules@mnd.uscourts.gov. The rules will be adopted by the full Court following consideration of any comments or suggestions received by the Clerk of Court during the public notice period.